

JUDGE FRANK MONTALVO

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

UNITED STATES DISTRICT COURT

for the

Western District of Texas

EL PASO DivisionCase No. **EP 18 CV 0334**

(to be filled in by the Clerk's Office)

Richard H. Draper

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Commonwealth of Virginia
Chestfield Police Dept. Property

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>DRAPER, Richard H.</u>
Street Address	<u>221 N. LEE ST.</u>
City and County	<u>EL PASO AND EL PASO</u>
State and Zip Code	<u>TEXAS - 79901</u>
Telephone Number	<u>(915) 232-1338</u>
E-mail Address	<u>N/A</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

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Defendant No. 1

Name Commonwealth of Virginia
Job or Title *(if known)* Chesterfield Police Dept. Property
Street Address Supervisor or duty supervisor
City and County 9221 Public Works Rd.
State and Zip Code Chesterfield (same)
Telephone Number Virginia, 23032
E-mail Address *(if known)* (804) 748-1524 FAX: (804) 768-7991
unknown

Defendant No. 2

Name Pending
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 3

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

Defendant No. 4

Name _____
Job or Title *(if known)* _____
Street Address _____
City and County _____
State and Zip Code _____
Telephone Number _____
E-mail Address *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Amendments: 2, 4, 5, 8 / 18 USC 31, 661.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, *(name)* DRAPER, Richard R., is a citizen of the State of *(name)* TEXAS.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, *(name)* _____, is a citizen of the State of *(name)* _____. Or is a citizen of *(foreign nation)* _____.

b. If the defendant is a corporation

The defendant, ^(name) ~~Property~~ Chesterfield Police Dept. -, is incorporated under the laws of the State of ^(name) Commonwealth of Virginia, and has its principal place of business in the State of ^(name) Chesterfield.
Or is incorporated under the laws of ^(foreign nation) _____, and has its principal place of business in ^(name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*: DOLLAR AMOUNT PENDING PARTIAL SUMMARY JUDGEMENT SERVICE PROCESS RETURNS, INSPECTION OF MY PROPERTY, AND A SECOND FILING TO SUBPOENA THIS CASE AND OTHERS ABROAD.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur? Chesterfield, VA. And Petersburg, VA.

B. What date and approximate time did the events giving rise to your claim(s) occur?
July 27, 2010 / July 30, 2010 (12:01 AM), Aug 2nd, 2010
SEE ATTACHED

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C.

What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

MA/PRACTICE Detention by non medically licensed practioner/Illegal + unlawful Hearing, taken + held by force for a week/property stolen/CONCEALED CARRY PERMIT unlawfully taken/DCJS LICENSED CARRY nullified/by force constitutes/USE OF FORCE.
SEE ATTACHED

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

Both monetary for punitive + damages pending

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

FAX US MARSHALS in Richmond to seize my lawfully owned property and Fed EX with tracking # + PROCESS SERVICE RETURNS all my property to U.S. COURT in EL PASO, TEXAS + return to plaintiff's possession. / All monetary filings pending.

Property Return would be preferred on or before my (Plaintiff's) birthday on Nov. 15th 2018 /

*Property is has been illegally possessed since 2010. / FORWARDED LICENSE TO CARRY APPLICATION to TEXAS DPS so as to remain fully lawful in these matters - ATTACHED

Reacted
KAT
Nov. 2, 2018

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: Nov. 1st, 2018

Signature of Plaintiff

Richard A. Draper

Printed Name of Plaintiff

DRAPER, RICHARD A.

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

I DO HEREBY DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INCLUDING
AFFIDAVIT/S AND WRITTEN STATEMENTS ARE TRUE AND CORRECT.

DATE: Nov. 1st 2018 PLAINTIFF: Richard A. Draper